

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 4:01-cr-40019

BRIAN L. BROWN

DEFENDANT

ORDER

Before the Court is Defendant Brian L. Brown's Motion for Leave to File Motion for Accounting. ECF No. 304. The government has responded. ECF No. 305. The matter is ripe for the Court's consideration.

Defendant's case has been before this Court since 2001, and over the past approximately twenty-two years, Defendant has filed dozens of motions for the Court's consideration. Recently, the Court reminded Defendant that he must seek leave from the Court before filing any additional motions. *See* ECF No. 303, at 4 ("Defendant acknowledges that he is required to first obtain leave and states that he 'moves under Objection' and 'seeks LEAVE.' However, Defendant must seek leave prior to filing any motions. The Court's June 8, 2011 order stands, and in the future, Defendant must obtain leave of Court before filing a new pleading." (citations omitted)).

On March 9, 2023, Defendant filed the instant motion. ECF No. 304. Defendant acknowledges that he must obtain leave from the Court before filing any motions, stating, for example, "Brown seeks permission to file a non-habeas issue . . . under continued 'objection'" and "Brown at this time only seeks, permission (LEAVE) [sic]." ECF No. 304, at 1, 12. However, in the instant motion, Defendant does much more than simply request leave to file a motion. The motion is fifteen (15) pages in length, and Defendant presents substantive arguments for the Court's consideration. For example, Defendant argues that there is false information in his "file" that incorrectly labels him as a sex offender and that

he “has a ‘Protected Liberty Interest,’ in his Trust Funds Account.” ECF No. 304, at 5, 9. Ultimately, the Court construes Defendant’s motion as a request for leave to file a motion for an accounting, an accounting that he ostensibly hopes to use in future filings. ECF No. 304, at 4.

The government has responded. ECF No. 305. It states that after reviewing Defendant’s motion, it obtained a Case Inquiry Report from the Clerk of Court’s office. This report shows that Defendant has paid \$1,787.79 of his \$25,000, court-ordered fine, meaning that Defendant owes an outstanding balance of \$23,212.21. ECF No. 305. The government states that it “provides [this] information and the Case Inquiry Report in response to Brown’s Motion.” ECF No. 305, at 2. Because the government responded to Defendant’s motion with the requested accounting, it would be superfluous for the Court to grant Defendant leave to file a second motion, in which he will again request the accounting that the government has already provided. Thus, the Court finds that Defendant’s motion (ECF No. 304) should be **DENIED AS MOOT**.

IT IS SO ORDERED, this 23rd day of March, 2023.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge